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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,770	05/01/2002	Lars Guntveit	1935-00088	1862

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/019,770

Applicant(s)

GUNTVEIT ET AL.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the second Office Action for serial number 10/019,770, A Device for a Pawn Automat for Bottles and Boxes, filed on May 1, 2002. Claims 1-4 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,671,666 to Wenglar in view of U.S. Patent 5,239,920 to Schuff et al. (Schuff). Regarding claim 1, Wenglar discloses a device comprising: a front cover (16) formed to be secured independently of internal bottle/can handling device and other apparatuses (26, 40) of a reverse vending machine (10); the front cover (16) including a feed opening (14 and 17), for bottle and cans, without fixed connection to pipework (40) within the reverse vending machine; and a corresponding opening (beyond 17 generally) positioned within the internal bottle/can handling device of the reverse vending machine. Wenglar does not teach the front cover (16) including a drain opening. Schuff discloses a can-handling machine (Fig. 1 generally) comprising a front portion (16) having a feed opening (18) for receiving bottles/cans (2, 3) and including a drain opening (20) adjacent feed opening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the front cover (16) to include a drain opening adjacent the feed opening (i.e. located within the lower horizontal wall (see Fig. 4) of 16 in front of the opening 17) because one would

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have been motivated to permit any liquids, etc. to drain through the opening and into the interior of the housing as taught by Schuff (col. 2, lines 25-27).

Allowable Subject Matter

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see lines 20-28 on page 9, filed 6/27/03, with respect to the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Wenglar in view of Peacock have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Schuff.

Regarding applicant's argument that Wenglar does not disclose a "cover", examiner respectfully disagrees. The panel (16) is specifically shown in Figs. 3 and 4 as an independent, non-integrally formed portion of the apparatus and is considered to be a "cover" since it is inserted into and covers the opening (see Fig. 4) formed in the cylindrical outer wall of the housing (10). Regarding applicant's argument that the cover (16) is not formed to be secured independently of internal can handling devices and other apparatuses of the machine, examiner respectfully disagrees. As applied above, the feed opening of the cover is considered to include the central opening (14) and the

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opening (17) that is defined in the rear wall of cover (16) and which extends through the ramp-like structure (as indicated by the arrows referenced by "17" and shown in Fig. 4).

The ramp-like structure appears to be formed as a portion of the cover (16) and is therefore considered as such and not viewed as an internal can handling device or pipework of the machine. Examiner has carefully reviewed the specification and drawings (including col. 4, lines 7-9). The term "in communication with" as expressed in line 7 of col. 4 does not teach that the cover (which includes the ramp-like structure) is in *contact with or connected to* any of the internal structure (i.e. drum 26, pipework 40, etc.). Figure 2 distinctly shows that there is no structural connection between the ramp-like structure of the cover (16) and the drum (26).


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 6,581,627 to Dillon discloses a cover with a drain.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325


Naschica S. Morrison
Patent Examiner- Art Unit 3632
7/29/03


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER